

REMARKS

Claims 1-12 and 14-26 are now pending in the application. Claims 1-12, 14-26 and 29 stand rejected. Claims 13, 27 and 28 have been previously cancelled. Claim 29 has been cancelled herein and Claims 15 and 21 have been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM AMENDMENTS

The claims are presently amended to further clarify the presently pending claims for consideration and to correct minor informalities. Applicants submit that the present amendments to the claims clarify the various elements of the claims previously presented and are in line with the Applicants' previous arguments and amendments. Thus, the amendments to the claims herein do not require a new search.

CLAIM OBJECTIONS

Claims 24-26 stand objected to for certain informalities. Applicants have amended Claim 21 to overcome these informalities. Therefore, reconsideration and withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Antos et al. (U.S. Pat. No. 7,097,213; hereinafter "Antos"). This rejection is respectfully traversed.

Initially, Applicants note that independent Claim 21 has been amended to recite:

...the pawl including a cam follower that cooperates with the at least one cam surface such that movement of the handle from the first position to the second position drives the cam follower and rotates the pawl from the latched position to the unlatched position (emphasis added).

As noted by the Examiner, Antos "does not expressly disclose the pawl and handle being [separate] entities with [cam surfaces] connecting the handle and [the] pawl" (see *Office Action mailed September 18, 2007*, paragraph 13, p. 8). Accordingly, Applicants respectfully assert that the cited art does not teach, suggest or disclose each and every feature of Claim 21, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of Claim 21 under 35 U.S.C. § 102(e). Further, as Claims 22 and 23 depend directly from independent Claim 21, Claims 22 and 23 should be in condition for allowance for at least the reasons set forth for Claim 21 above. Accordingly, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 22 and 23 under 35 U.S.C. § 102(e).

STATEMENT OF COMMON OWNERSHIP UNDER 35 U.S.C. § 103(c)

Applicants submit that the present patent application, U.S. Serial No. 10/798,933, and U.S. Patent No. 7,097,213 were owned by the Thetford Corporation at the time that the present patent application, U.S. Serial No. 10/798,933, was made. Specifically,

Norcold, Inc. is 100% owned by Thetford Corporation. Accordingly, as U.S. Patent No. 7,097,213 is a reference under 35 U.S.C. § 102(e) that was commonly owned at the time the present patent application was made, Applicants respectfully submit that U.S. Patent No. 7,097,213 is not a proper reference under 35 U.S.C. § 103(a). Reconsideration and withdrawal of the rejection to the presently pending application based on U.S. Patent No. 7,097,213 are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

As Antos has been disqualified as a reference under 35 U.S.C. § 103(a) by the statement of common ownership under 35 U.S.C. § 103(c), Applicants will address the foregoing rejections without regard to the Antos reference.

Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 21-26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop (U.S. Pat. No. 2,948,560; hereinafter "Rop") in view of Antos. Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 24-26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop. These rejections are respectfully traversed.

Applicants note that Rop discloses a keeper 11a that is coupled to a refrigerator cabinet. Latch bolts 14a and handle 20a are coupled to a refrigerator door (Fig. 7). The latch bolt 14a is pivotably mounted such that when the handle 20a is pushed in, the pin 24a draws the right-hand ends of the base portion 17a together to release the keeper 11a from the latch bolts 14a. The bolt members 14a are required to be parallel to the keeper 11a, as the angled surface of the keeper 11a must squarely contact rollers 16a at the end of the bolt members 14a in order to relatch the door. The handle 20a is

visible when the door is in the closed position, as shown in Fig. 7. In contrast, independent Claim 1 recites:

...a **cap portion that defines a recess**, the cap portion coupled to the side of the door such that the recess is disposed within the door; . . .

wherein the **latching arrangement is disposed within the recess of the door** such that the handle and pawl are hidden from view when the door is in the closed position (emphasis added).

Independent Claim 15 has been amended to recite:

...a **cap portion that defines a recess**, the cap portion coupled to a side of the door such that the recess is disposed within the door; and

wherein the **latching arrangement is disposed within a recess of the door** such that the handle and pawl are hidden from view when the door is in the closed position (emphasis added).

Independent Claim 21 has been amended to recite:

...the door including a top side, **the top side defining recess**; . . .

a handle connected to the door for movement between a first position and a second position about a first pivot axis, **the handle substantially disposed in the recess** and defining at least one cam surface;

a pawl connected to the door driven by the handle to rotate about a fixed pivot axis between a latched position engaged with the striker for securing the door in a closed position and an unlatched position allowing the door to be pivoted from the closed position, the pawl including a cam follower that cooperates with the at least one cam surface such that movement of the handle from the first position to the second position drives the cam follower and rotates the pawl from the latched position to the unlatched position (emphasis added).

In view of the above discussion, Applicants respectfully assert that Rop does not teach, suggest or disclose each and every element of Claims 1, 15 and 21. In this

regard, Applicants assert that Rop does not teach, suggest or disclose a cap portion coupled to a side of the door that defines a recess, a latching arrangement disposed within the recess such that the handle and pawl are hidden from view when the door is in the closed position, or that the handle is substantially disposed in the recess of the door. As noted by the Examiner, "Rop does not expressly disclose a cap portion defining a recess disposed within the door" (see *Id.*, paragraph 5, p. 4). Rather, Rop teaches in both of his embodiments that the handle 20a is visible when the door is in the closed position, as illustrated in Figs. 5 and 7. In addition, Applicants note it would not be obvious to modify Rop to arrive at Applicants' claims herein as it would change the principle of operation of the handle 20a of Rop. Further, Applicants note that one of ordinary skill in the art would not modify Rop to include a cap portion coupled to a side of the door that defines a recess for receipt of a latching arrangement as there is no evidence or suggestion of such a configuration in Rop (see *Ex Parte Katch et. al.*, Appeal 20071460, Decided May 29, 2007), much less a "rational underpinning" as to why such a combination would be obvious, as required by *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

Accordingly, for at least these reasons, Applicants respectfully assert that Rop does not teach, suggest or disclose each and every feature of Claims 1, 15 and 21, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of Claims 1, 15 and 21 under 35 U.S.C. § 103(a). Further, as Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 depend directly or indirectly from independent Claims 1, 15 or 21, Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 should be in condition for allowance for at least the reasons set forth for Claims 1, 15 and 21 above. Accordingly, Applicants

respectfully request that the Office reconsider and withdraw the rejections of Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 under 35 U.S.C. § 103(a).

Claims 7, 8, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop in view of Antos as applied to Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 21-26, and 29, and further in view of Lyu (U.S. Pat. No. 5,906,423; hereinafter "Lyu"). Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop in view of Antos as applied to Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 21-26, and 29, and further in view of Geddes (U.S. Pat. No. 2,172,467; hereinafter "Geddes"). Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop as applied to Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 24-26, and 29, and further in view of Lyu. Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop as applied to Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 24-26, and 29, and further in view of Geddes. These rejections are respectfully traversed.

With regard to Claims 7, 8, 11, 16, 17 and 20, Applicants note that these claims depend directly or indirectly from either Claim 1 or 15, and thus, should be in condition for allowance for the reasons set forth for Claim 1 and 15 above. In addition, Applicants note that neither Lyu nor Geddes remedy the shortcomings of Rop, as discussed above. Thus, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 7, 8, 11, 16, 17 and 20 under 35 U.S.C. § 103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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